

EXHIBIT 32

1 BOIES, SCHILLER & FLEXNER LLP
2 RICHARD J. POCKER (NV Bar No. 3568)
3 300 South Fourth Street, Suite 800
Las Vegas, NV 89101
4 Telephone: (702) 382-7300
Facsimile: (702) 382-2755
rpocker@bsflp.com

5 BOIES, SCHILLER & FLEXNER LLP
STEVEN C. HOLTZMAN (*pro hac vice*)
6 FRED NORTON (*pro hac vice*)
KIERAN P. RINGGENBERG (*pro hac vice*)
7 1999 Harrison Street, Suite 900
Oakland, CA 94612
8 Telephone: (510) 874-1000
Facsimile: (510) 874-1460
9 sholtzman@bsflp.com
fnorton@bsflp.com
10 kringgenberg@bsflp.com

11 Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle International
12 Corporation

13

14

15

16

17

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

18 ORACLE USA, Inc., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
19 corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

20 Plaintiffs,

21 v.

22 RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

23 Defendants.

25 PROPOUNDING PARTY: Plaintiff Oracle International Corp.

26 RESPONDING PARTY: Defendant Rimini Street, Inc.

27 SET NO.: Three

28

BINGHAM MCCUTCHEN LLP
GEOFFREY M. HOWARD (*pro hac vice*)
THOMAS S. HIXSON (*pro hac vice*)
KRISTEN A. PALUMBO (*pro hac vice*)
BREE HANN (*pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com
bree.hann@bingham.com

DORIAN DALEY (*pro hac vice*)
DEBORAH K. MILLER (*pro hac vice*)
JAMES C. MAROULIS (*pro hac vice*)
ORACLE CORPORATION
500 Oracle Parkway
M/S 5op7
Redwood City, CA 94070
Telephone: 650.506.4846
Facsimile: 650.506.7114
dorian.daley@oracle.com
deborah.miller@oracle.com
jim.maroulis@oracle.com

Case No. 2:10-cv-0106-LRH-PAL

**ORACLE INTERNATIONAL
CORPORATION'S THIRD SET OF
REQUESTS FOR ADMISSIONS TO
RIMINI STREET, INC.**

Case No. 2:10-cv-0106-LRH-PAL

1

2 Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiff Oracle International Corp.
3 (“Oracle”) hereby requests that Defendant Rimini Street, Inc., answer the following requests for
4 admission.

5

I. DEFINITIONS AND INSTRUCTIONS

6 1. The term “Automated Downloading Tool” shall refer to a software program,
7 routine or script capable of submitting download requests over the Internet in a rapid, automated
8 fashion, including but not limited to the Rimini Street-created applications Continuing
9 Documentation, Solutions, Updates and Fixes, Client Cases, Roadmaps and Schedules, Patches
10 and Downloads, and Update Center; and, the third-party software applications Offline Explorer,
11 Black Widow, FlashGot, wget, and DownloadThemAll. The following are excluded from the
12 definition of Automated Downloading Tool: generally available web browsers such as Internet
13 Explorer, Google Chrome and Mozilla Firefox (so long as not used with the applications Offline
14 Explorer, Black Widow, FlashGot, DownloadThemAll, and other applications with similar
15 automation functionality); and, software distributed by Oracle.

16 2. The term “Complete or Partial Copy” shall refer to a copy of all or a portion of
17 Oracle Enterprise Software containing a substantial portion of the protected expression for a
18 corresponding copyright registration alleged by Oracle in its Second Amended Complaint, Dkt.
19 146.

20 3. The term “Environment” shall refer to a Complete or Partial Copy of Oracle
21 Enterprise Software created by installing that software from Installation Media or by copying an
22 existing Environment.

23 4. The term “Listed File,” with respect to Exhibit A, shall refer to a file listed in
24 column B that was produced on media identified with the Bates number listed in column C,
25 contained in the folder, .zip file, or .exe file listed in column D. Column A in Exhibit A is a
26 unique identifier used to identify specific Listed Files.

27 5. The term “Internal Software Libraries” shall refer to the following current or
28 former locations on Your computer systems, networks and storage devices: \\rsi-
data01\share\software, \\rsi-clsvr01\client_software\PeopleSoft, and \\rsi-

1
2 clsvr01\internal_software.

3 6. The term "Oracle Database Software" shall refer to Oracle's Oracle-branded
4 database Software and Support Materials.

5 7. The term "Oracle Enterprise Software" shall refer to Oracle's J.D. Edwards-
6 branded, PeopleSoft-branded, and Siebel-branded enterprise Software and Support Materials.

7 8. The term "Registered Works" shall refer to Oracle's registered, copyrighted
8 works listed in Oracle's Second Amended Complaint, filed June 1, 2011, Dkt. 146, ¶ 75.

9 9. The term "Software and Support Materials" shall refer to software applications,
10 program updates, software updates, bug fixes, patches, custom solutions, and/or instructional and
11 knowledge base documents for any families of software products provided by Oracle.

12 10. The term "Software Library" shall refer to a directory structure containing
13 computer software, documentation, and related materials.

14 11. The phrase "more than a *de minimis* or trivial amount of protectable expression"
15 shall refer to the relevant discussion in *Newton v. Diamond*, 388 F.3d 1189, 1192-93 (9th Cir.
16 2003).

17 12. The use of a verb in any tense shall be construed as the use of that verb in all
18 other tenses.

19 **II. REQUESTS FOR ADMISSION**

20 **REQUEST NO. 25:**

21 Admit that each Environment identified in Your Responses to Interrogatories No. 20 and 21
22 as containing Siebel-branded Oracle Enterprise Software embodied more than a *de minimis* or
23 trivial amount of protectable expression from at least one of the Registered Works.

24 **REQUEST NO. 26:**

25 With respect to Your written and electronic requests that Oracle ship software to a Rimini
26 Street address, admit that more than 50% of the requests asked Oracle to ship the software to an
27 "offsite backup location."

28

1

2 **REQUEST NO. 248:**

3 Admit that, in 2010, Rimini Street used one or more of the environments identified as items
4 1-32 on Exhibit C to create the majority of DAT files received from Rimini Street by each of
5 Rimini Street's then-current customers.

6 **REQUEST NO. 249:**

7 Admit that, in 2011, Rimini Street used one or more of the environments identified as items
8 1-32 on Exhibit C to create the majority of DAT files generated by Rimini Street.

9 **REQUEST NO. 250:**

10 Admit that, in 2011, Rimini Street used one or more of the environments identified as items
11 1-32 on Exhibit C to create the majority of DAT files received from Rimini Street by each of
12 Rimini Street's then-current customers.

13

14 DATED: November 4, 2011

Bingham McCutchen LLP

15

16

By:



Thomas S. Hixson
Attorneys for Plaintiffs
Oracle USA, Inc., Oracle America, Inc., and
Oracle International Corporation

17

18

19

20

21

22

23

24

25

26

27

28

CERTIFICATE OF SERVICE

2 At the time of service I was over 18 years of age and **not a party to this action**. My
3 business address is Three Embarcadero Center, San Francisco, CA 94111.

4 On November 4, 2011, I served the foregoing document:

**ORACLE INTERNATIONAL CORPORATION'S THIRD SET OF
REQUESTS FOR ADMISSIONS TO RIMINI STREET, INC.**

7 by causing a true and correct copy of the above to be hand delivered in sealed envelope(s) with
8 all fees fully paid, addressed as follows:

Robert H. Reckers
Shook, Hardy & Bacon L.L.P.
600 Travis Street, Suite 1600
Houston, Texas 77002

12 I hereby certify that I am employed in the office of a member of the State Bar of
13 California, admitted *pro hac vice* to practice before the United States District Court for the
14 District of Nevada for this case, at whose direction the service was made. I declare under
15 penalty of perjury under the laws of the United States of America that the foregoing information
16 contained in the Certificate of Service is true and correct.

17 Date: November 4, 2011.

Ida L. Royal

Ida L. Royal